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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,601	04/12/2006	Michael Breuer	HM-713PCT	1627
40570	7590	05/04/2007		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER SUHOL, DMITRY	
			ART UNIT	PAPER NUMBER
			3725	
			MAIL DATE	DELIVERY MODE
			05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,601

Applicant(s)

BREUER ET AL.

Examiner

Dmitry Suhol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

The current statement acknowledging the duty to disclose uses improper language "material to the examination" rather the required language of material to patentability and refers to CFR Section 1.56(a) rather than 1.56 as required.

Drawings

Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 6 and 9, the phrases “especially aluminum” and “especially an aluminum billet” render the claim indefinite as it is not clear whether aluminum is being claimed exclusively or merely given as an example of the metal slab which may be run through the mill.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenthal et al '902. Rosenthal discloses a plant and method containing all of the claimed elements including, a roughing train (4) having at least two tandem roughing stands (6), a finishing train (12) having at least two tandem finishing stands (13), coilers being upstream (11) and down stream (16, 20) of the finishing train such that the set up

operates in manner having simultaneous participation of the roughing and finishing stands (continuous operation as shown in the figure).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (EP 0781609) in view of Konose et al (JP 05-161902) and Langer et al '191. Kramer discloses a mill set up including at least on stand in a reversible roughing train (1), at least one stand in a finishing train (3), an upstream and down stream coiler (5, 6) such that the distance between the roughing train and the finishing train allows the two to act in simultaneous tandem operation (figure 2) (see English equivalent US20030051525 including abstract).

Konose is relied upon to teach the use of reversible tandem 2-high roughing stands in a hot mill operation for the purpose of improving temperature profile of the metal material. Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have provided the roughing stands of Kramer as 2-high tandem type in order to better control the temperature profile of the metal strip.

Langer is relied upon to teach that it is known and advantageous utilize reversible tandem finishing stands (4) in a hot rolling operation (figures 1-2) for the purpose of minimizing the length of the mill and controlling the temperature of the metal strip. Therefore it would have been obvious to utilize the reversible tandem set up of the finishing stands as taught by Langer in the set up of Kramer for the purpose of shortening the mill length while at the same time controlling the temperature of the strip metal being rolled.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer (EP 0781609), Konose et al (JP 05-161902) and Langer et al '191, as stated above, and further in view of Ginsburg '490. Kramer, as modified by Konose and Langer discloses most of the claimed limitations including a shear (4). The references fail teach that shear (4) is a flying type shear, a furnace unit, a cropping shear and an edging stand as required. However the use of a flying type shear for shear (4) of Kramer would have been obvious since the examiner takes official notice that such shears are well known to be utilized and the use of such would depend on the cost and productivity desired in the mill.

Ginsburg is relied upon to teach that it is known to provide complete installations such as that of Kramer with a cropping shear (3) for cutting the strip into desired slabs, a furnace (5) for heating the strip to the desired workable temperature and an edging stand (10) for cutting the edges and ends of the work material (figure 3). Therefore it would have been obvious to include a cropping shear for cutting the strip into desired

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slabs, a furnace for heating the strip to the desired workable temperature and an edging stand for cutting the edges and ends of the work material in the mill in Kramer for the reasons stated.


With respect to claim 9, the method steps would have been obvious in lieu of the above references, for example, the conveyance of the hot initial product into the mill is inherent in Kramer, reverse roughing of the product is taught by Kramer (see English equivalent US20030051525 including abstract, especially paragraph 0019), initial cropping is taught by Ginsburg and use of shear (3) in order to cut the material to length, while the reverse rolling of in the finishing train including coiling and uncoiling is taught by Langer for the purpose of providing the material with the desired finished thickness while being held the desired working temperature.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Dmitry Suhqi
Primary Examiner
Art Unit 3725

ds